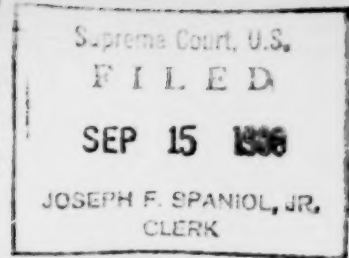


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number _____ U.S.

THE SUPREME COURT OF THE UNITED STATES
1989 TERM

LAWRENCE L. ENGEL, PRO SE PETITIONER
v
CLARK COUNTY, NEVADA RESPONDENT

Petition on Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

PETITION FOR
WRIT OF CERTIORARI

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TABLE OF CONTENTS

Title	page
Question Presented on Appeal	1
Interested Party	3
Jurisdictional Statement	3
Significant Dates	4
petition for rehearing	
notice of appeal	
Nature of the Proceeding	4
Constitutional Provisions Amendments and Laws	4A
Article I	
Fourth Amendment	
Fifth Amendment	
Sixth Amendment	
Eighth Amendment	4B
Clark County Code 3.36	
18 USCS 241	
18 USCS 242	4C
Corpus Juris 820 821	4C
822 823 824	4D
Corpus Juris Secundum 852	4D
Statement of the Case	5
Discriminatory Special Conditions	8
False Accusation - Permit Expired	10
Pledge or Oath Required	12
Engel Did Not Delay	14
Health Dept. Approves After Months of Delay	14
Commission requirements would cause Engel to Violate the Law	15
A Portion of the Original Complaint	18
Fraud By The Defense	19
Court History	24

continued next page

TABLE OF CONTENTS CONT.

Titles	Page
Groves v Witherspoon	
379 F Supp 52	22
Hanky v City of Richmond	
532 F Supp 1298	36
Immigration and Naturalization	
Service v Chadha 1983	
102 SCt 87,454 US 812,77 L Ed 2d 80	30,41
Kennedy v Mendoza-Martinez	
372 US 144	30,40
Kinzli v City of Santa Cruz	
539 F Supp 887	36
Mary Hosery Mills v U.S.D.C Mont.	
64 F2d 450	28
Missouri ex rel St. Louis, B. & M.R. Co.	
v Taylor	28
Rule 60(b) Civil Procedure	21,22
Rule 81(b) Civil Procedure	25
San Clement Estates v City of S.C.	
12 B.R. 209	37
Sheffield v Texas	
1976 D.C. Tex 411 F Supp 709	
28 USC 1391 Civil Rights	24
Southern Pacific Co. v Corbett	
20 f Supp 940.	28

continued on next page

CONTENTS CONTINUED

Titles		page
Points on Jurisdiction . . .		28
Zoning Precedents . . .		36
Maturity of Precedents		
On Bill-Of-Attainder . . .		39
Act of Terror by County . . .		42
Racial Discrimination . . .		42
Falsified Evidence & Crimes . . .		44
Remedy		44
Plenary Consideration . . .		46

TABLE OF AUTHORITIES

Cases Cited	page
Atchison, T.S.F. Co. v Barrett 246 F2d 846 24 Fr Serv 60b.33	21
Beasley v. Potter 493 F. Supp 1059	36
Burnrite Coal v Rigg 274 US 208, 71 L Ed 1002, 47 S Ct. 578	28
Commonwealth Trust Co. v Bradford 297 US 613, 80 L Ed 920, 56 S Ct 600	28
Corder v City of Sherwood 579 F Supp 1042	36
Cummings v Missouri 71 US (4 How.) 277	6,8,17, 30 32
Cuthill v Ortman-Miller Mach Co. 216 F2d 336	22
Ex parte Garland 71, US (4 Wall) 333	8,30,40
Fackelman v Bell 564 F2d 734	21
F.E.E. Luthern Church of Glendale v L.A. County, CA No 85-1199 decided by the Court 6/9/87	44
General Outdoor Ad. v Williams 9 F2d 165	28

continued on next page

TABLE OF AUTHORITIES CONT.

Title	Page
United States Constitution Article One	4,4A
United States Constitution Amendments	4,4A,4B
U.S. V Brown 381 US 437 (1965)	17,30
U.S. v Gregor 657 BX 657 F.2d 1109	25
U.S. v Lovett 328 US 303	30
U.S. v Johnson 390 US 563, 20 L Ed 2d 132, 88 S Ct. 1231.	4B
U.S. v Price 383 US 787, 16 L Ed 2d 267 86 S Ct 1152	4B,4C
U.S. V Waddel 112 US 76, 28 L Edd 673, 5 S Ct 35	4C
Varsic v U.S.D.C. 607 F.2d 245,251	25

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continued on next page

TABLE OF AUTHORITIES CONT.

Title	Page
STATUTES AND REGULATIONS	
18-241	4B
18-242	4C
28 U.S.C. 1254(1)	3
28 U.S.C. 1291	3
42 U.S.C. 1983	3,24
28 U.S.C. 1331	4,24
CORPUS JURIS	4C,4D,44
CORPUS JURIS SECUNDUM	4D,44
North Carolina's Declaration of Rights 1776	6
Uniform Building Code Expiration of Permits 302(d)	11
CLARK COUNTY CODE	
Clark County Commission Election District 3.36	4B,29
Enforcement Authority to Issue Citations 20.01.010	33
County Planning Commission 3.12	34
Combined Board of Building Appeals 22.02.130	35
Violations 22.02.140	33,45

QUESTIONS PRESENTED ON APPEAL

Did the Clark County Commission, a legislature, cause a deprivation to be worked upon a specified individual, Engel, for misconduct on his part, without any trial before a tribunal competent to determine the question of guilt and thereby violate the Bill-Of-Attainder ban of the United States Constitution?

Engel alleged he was denied a judicial trial. Engel alleged he was deprived and punished without a judicial trial to determine the question of guilt when building permits were declared void by the Clark County Commission. The permits were fully approved, unrestricted, had been the subject of numerous county approved construction inspections, and Engel built the partially completed home he is now able to live in. Therefore Engel did not allege that he was denied building permits. Did the U.S. Court of Appeals error in its basic understanding when it stated, "Engel alleges that Clark County violated his constitutional rights by denying him a building permit."?

Did Clark County fraudulently attempt to conceal that Engel had been deprived and punished without a trial by the fabrication of the fictitious claim that at some point in time he had been *denied* building permits?

Has Engel exhausted all forms of appeal within Clark County and therefore, made his case "ripe" for federal court as was the issue raised de novo by the Court of Appeals?

When the Court of Appeals provided on its own grounds de novo to affirm the Nevada District Court's decision to dismiss, did it reject the lower court decision that Engel did not raise a federal question and that Engel must therefore proceed in Nevada state court? Or did it recognize Engel's right of choice or election to proceed in federal court?

Has Engel achieved the requirement of the appeals court ; "the high burden of proving that a final decision has been reached by the agency before it may seek compensatory or injunctive relief in federal court on federal constitutional grounds."?

Did the appeals court assume Engel to be guilty of

misconduct, thereby, altering the rules of evidence in a manner requiring him to establish his innocence? (This is the characteristic problem produced by the disguised and indirect form of the Bill-Of-Attainder in which penal sanctions appear to be civil in nature.)

Was justice achieved by the order of the U.S. District Court, Nevada?

Was justice achieved by the order of the U.S. Appeals Court for the ninth circuit?

Footnote: Engel's wife, Nobuko Engel, now a naturalized U.S. citizen is an interested part in this case. At the time the original case was filed she was an alien with a green card.

INTERESTED PARTY

Engel's wife Nobuko Engel, a naturalized citizen is an interested party in this case.

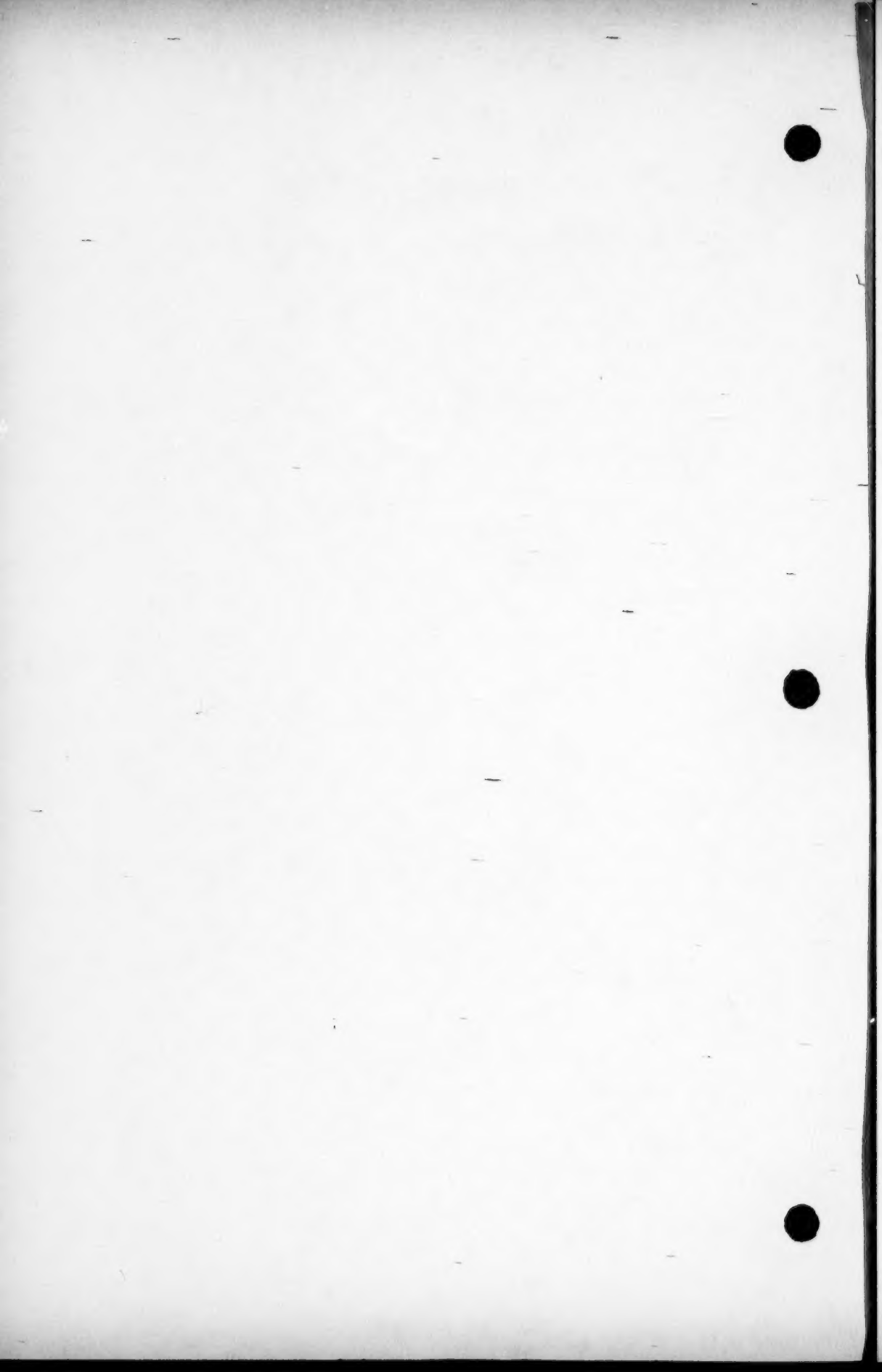
JURISDICTIONAL STATEMENT

Jurisdiction in the U.S. Supreme Court is invoked under 28 U.S.C. 1254(1). Court of Appeals, Certiorari

Jurisdiction in the Court of Appeals 9th cir. is invoked under U.S.C. 1291. Appeal from final judgement

Jurisdiction in U.S. District Court, Nevada is invoked under 42 U.S.C. 1983. Civil Rights

Jurisdiction in U.S District Court, Central District of California is invoked under 42 U.S.C. 1983 and 28 U.S.C



1331. Civil Rights and Diversity of Citizenship

Rule 17(c) Appeals Court decided a federal question in a way in conflict with applicable decisions of this Court. (Bill-Of-Attainder & Ex Post Facto Law)

SIGNIFICANT DATES

The decision to be reviewed was filed June 29, 1989 in the Court of Appeal 9th cir. case no. 87-2807 a Memorandum.

The Petition for Rehearing was denied by the order filed on July 21, 1989.

A notice of appeal was filed in the U.S. Court of Appeals 9th cir. on July 24, 1989.

NATURE OF THE PROCEEDING

This is a Civil Rights Complaint. Engel has alleged that Clark County Nevada violated his Civil Rights guaranteed by the United States Constitution, Article One, sec. 9, cl. 3 and sec. 10 Bill-Of-Attainder and Ex Post Facto Law Ban and the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution. Engel was punished and deprived without a judicial trial to determine the question of guilt.

**CONSTITUTIONAL
PROVISIONS, AMENDMENTS & LAWS**

**UNITED STATES CONSTITUTION
ARTICLE ONE, SECTION 9, CLAUSE 3**

No Bill-Of-Attainder or Ex Post Facto Law shall be passed.

ARTICLE ONE, SECTION 10, CLAUSE 1

No state shall enter into any Treaty, Alliance, or Confederation; grant letters of Marque and Reprisal; Coin Money, emit Bill of Credit; make any Thing by gold or silver Coin as Tender in payment of Debts; pass any Bill-Of-Attainder, ex post facto Law, or Law impairing the obligation of Contracts, or grant any Title of Nobility.

FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers and effect, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

FIFTH AMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, which in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

SIXTH AMENDMENT

In all criminal prosecution, the accused shall enjoy the right to speedy and public trial, by an impartial jury of the

State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

EIGHTH AMENDMENT

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

CLARK COUNTY CODE 3.36(b)(1)

CLARK COUNTY COMMISSION ELECTION DISTRICT

To provide that the several commission districts shall represent substantially equal numbers of people as practicable, in compliance with the **constitutions of the United States** and the state of Nevada;

FEDERAL STATUTES WITH PRECEDENTS

Federal civil rights statute 18 USCS # 241 which makes conspiracy to interfere with citizen's free exercise or enjoyment of any right or privilege secured to him by Constitution or law of United States a criminal offense, includes rights or privileges protected by Fourteenth Amendment, and extends to conspiracies otherwise within scope of statute, participated in by officials alone or in collaboration with private persons. *United States v Price* (1966) 383 US 787, 16 L Ed 2d 267, 86 S Ct 1152

Civil Rights statute in 18 USC #241 which penalized conspiracy to interfere with citizen's right or enjoyment of any right or privilege secured to him by the Constitution or law of the United States, encompasses all rights and privileges secured to citizens by all of the Constitution and all laws of the United States. *United States v Johnson* (1968) 390 US 563, 20 L Ed 2d 132, 88 S Ct 1231.

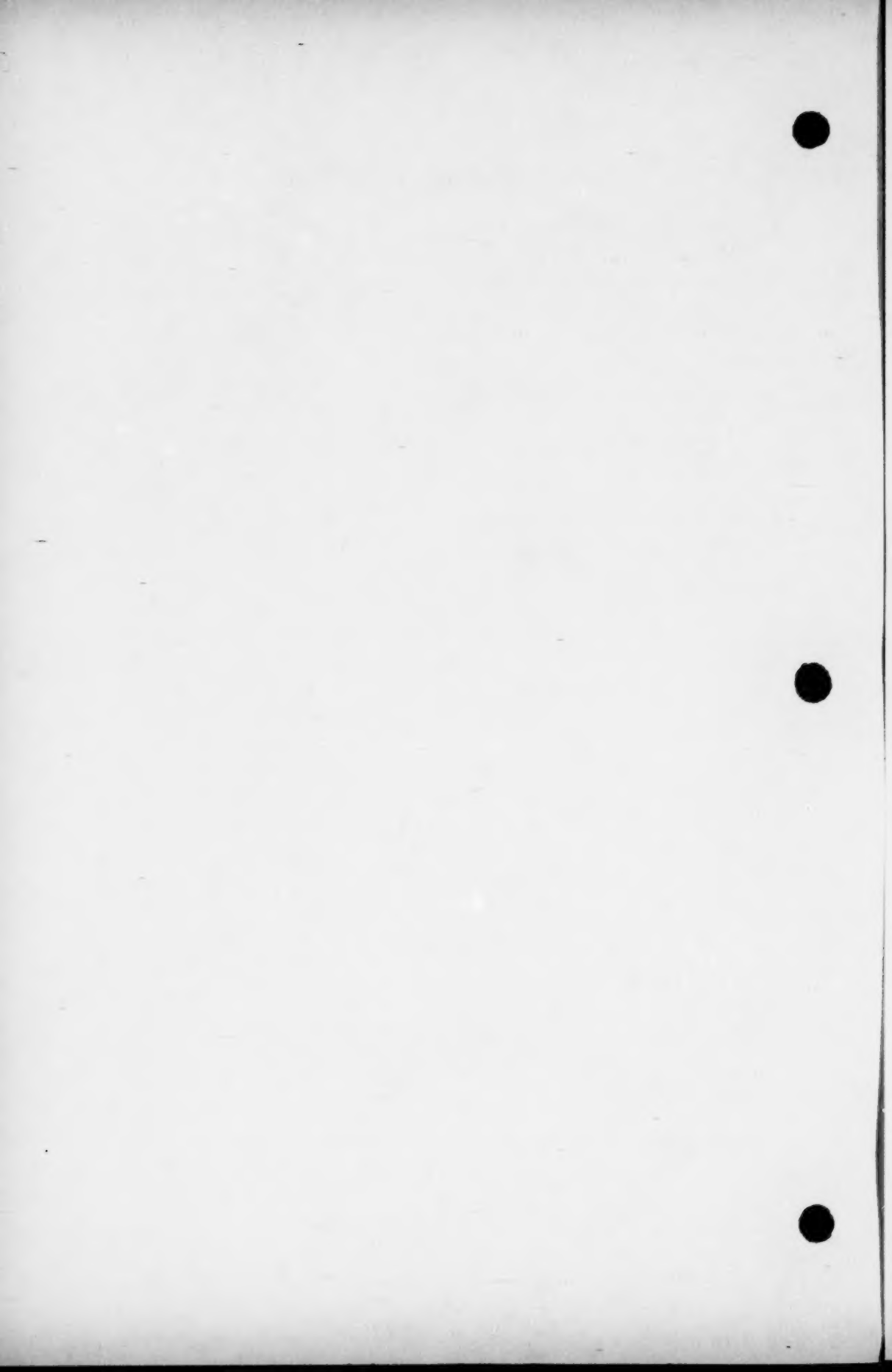
Interference with right to establish claim under Homestead Acts was right granted by law of United States, and hence conspiracy to prevent exercise of this right would be a violation of predecessor to 18 USCS # 241 United States v Waddel (1884) 112 US 76, 28 L Ed 673, 5 S CT 35.

Whoever, under color of any law, statute, ordinance, regulation or custom, willfully subjects an inhabitant of any State, Territory or District to the deprivation of any rights, privileges or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pain or penalties, on account of such inhabitant being alien, or by reason of his color, or race than are prescribed for the punishment of citizens, shall be fined not more than \$1000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or life. June 25, 1945 ch 645 #1, 62; April 11, 1968 P.L. 90-48 Title #103(b), 82 State. 75.

Both 18 USCS #241, which makes conspiracy to interfere with citizen's free exercise or enjoyment of any right or privilege secured to him by constitution or laws of the United States federally offense and 18 USCS #242, which makes federal offense willfully to deprive any person under color of law of the same rights, include presumably, all Constitution and laws of the United States. United States v Price (1966) 383 US 787 16 L Ed 2d 267, 86 S Ct 1152.

[820] BILL of Attainder-1. Definition. A bill of attainder is a legislative act which inflicts punishment without a judicial trial. It may be directed against an individual by name or against a whole class; and may inflict punishment either absolutely or conditionally. Bills of attainder are ex post facto laws because passed after the commission of the offense which is to be punished.

[821] 2. Constitutionality. The constitution of the United States



prohibits the passage of bills of attainder either by congress or by the states. And the passage of such bills is also commonly forbidden by the state constitutions.

[822] 3. Law Imposing Civil Disabilities.- Laws imposing civil disabilities or forfeitures as punishment for past acts have been held to be bills of attainder, since they impose such disabilities without a judicial trial; but laws which do not proceed on the idea of punishment have been held not to be bills of attainder, although imposing disabilities on persons without judicial trial. A law which expatriates or banishes a citizen by reason of race or color is a bill of attainder.

[823] 4. Bills of Pains and Penalties. A bill of pains and penalties is a legislative act which without out a judicial trial, imposes a punishment less than death; and such bills are within the constitutional prohibitions against bills of attainder. But a statute authorizing the removal of a public officer by a majority vote of both houses of the legislature is not a bill of pains and penalties.

[824] Constitutional Provisions-1. In General. The constitution of the United States provides that "the Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." The fourteenth amendment provides that "no State shall make or reinforce any law which shall abridge the privileges and immunities of the citizens of the United States." And the various state constitutions contain provisions forbidding the grant of special privileges or immunities.

12 CORPUS JURIS 820 , 821, 822, 823, 824 p1108

[852] b. Police Power- Personal rights must not be totally annihilated by the exercise of police power.

Personal rights, although subject to the police power, are not to be totally annihilated by the police power, or interfered with to a greater extent than reasonable necessary, taking into consideration the real object to

be accomplished. The police power must be at all times be exercised with scrupulous regard for private rights guaranteed by the constitution, and even then only in the public interest, and not for the benefit of a private company or individual. Thus, the police power may not be resorted to as a cloak for the invasion of personal rights guaranteed by the various constitutions, and may not be exercised capriciously or unreasonably. So, in order to be upheld a constitutional, a law which places some restriction upon freedom of action in the name of police power must bear some reasonable relation to the public good.

In this connection, a statute or ordinance which deprives one of his individual rights cannot be sustained under the police power when the regulation does not reasonably come within the scope of the police power.

16 CORPUS JURIS SECUNDUM Constitutional Law 852.

**STATEMENT OF THE CASE
THE FACTS MATERIAL TO CONSIDERATION
OF THE QUESTIONS PRESENTED**

The plaintiff pro se, Lawrence Lee Engel, with no legal training or professional experience in the law and finding himself and his family subject to penal sanctions without judicial trial for acts that would normally be innocent, as well as subject to racial discrimination, economic discrimination and fundamental procedural irregularity, offer this prayer to the Supreme Court of the United States, that their rights as guaranteed by the Constitution and Amendments be secure.

It was at Runnymede five hundred and seventy years before the constitution was written when the principle was first established that no citizen could be punished or deprived without a judicial trial. Beyond the command of even a King is the power to deprive without first determining the guilt of the person in a court of law.

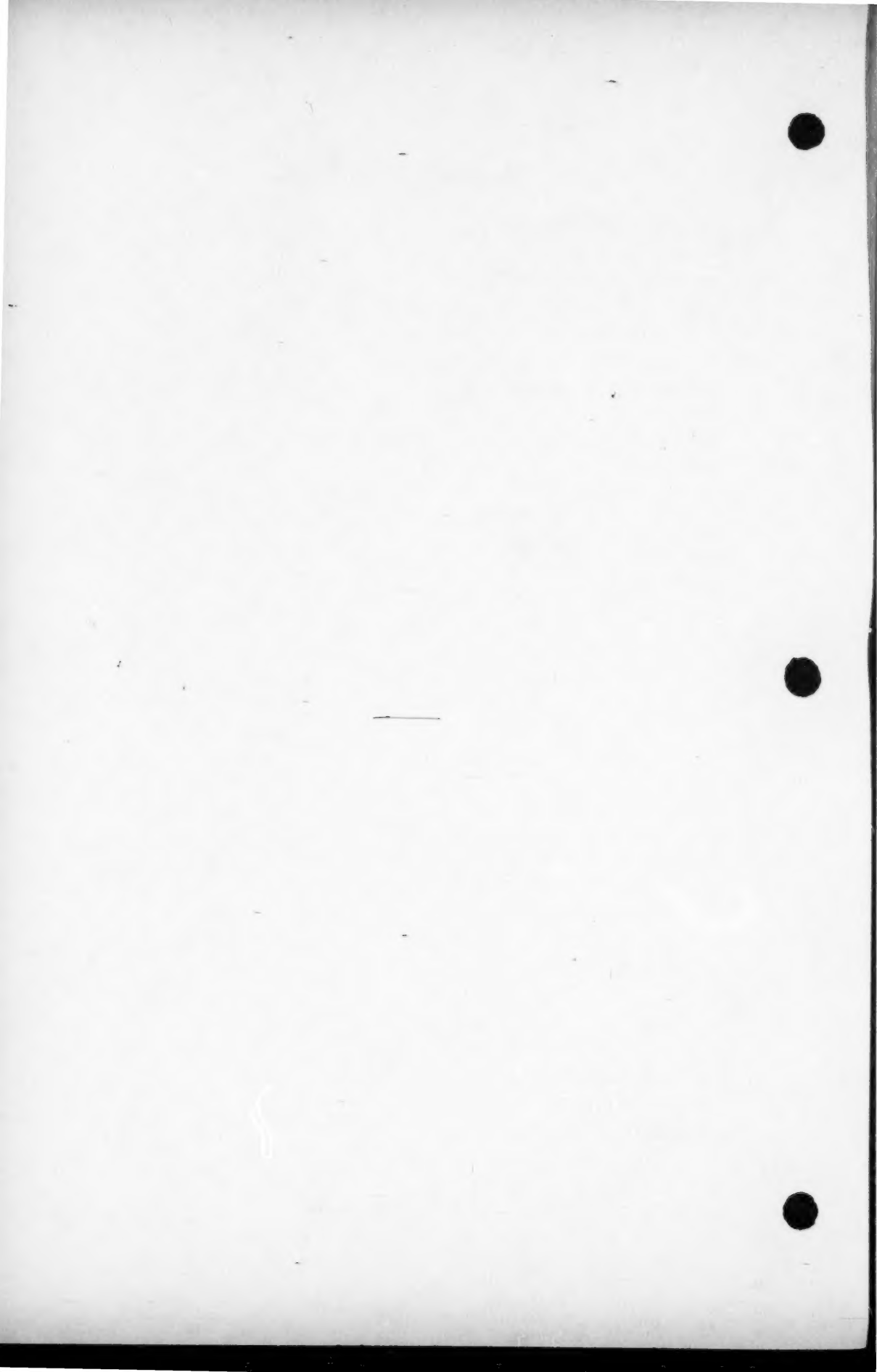
That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land. NORTH CAROLINA'S DECLAR-

ATION OF RIGHTS FRAMED IN 1776.

Throughout the American Revolutionary period, the attainder device was extensively used by the state legislatures as a weapon against those still loyal to the mother country. "During the American Revolution," Justice Story tells us, "this power was used with a most unsparing hand; and it has been a matter of regret in succeeding times, however much it may have been applauded *fragante bello*." It was the attainder excess with which they were personally familiar, as much as anything else, that led George Washington, James Madison, Alexander Hamilton, Elbridge Gerry, Ben Franklin and the other framers of our constitution, unanimously and virtually without debate, to ensure that attainder should never recur. Encyl Am Const.

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If punishment be less than death, the act is termed a bill of pain and penalties. Within the meaning of the Constitution bills of attainder include bills of pains and penalties. *Cummings v Missouri* 71 US (4 How.) 277 (1867)

The Engel family felt the sudden shock and sting of having the second, valid approved building permit unlawfully declared void. Engel was punished by being required to



repeatedly pay heavy fines (approx. \$1000 & risk resubmit plans). The loss includes the bulky financial investment, personal labor in the construction of the home, and the his property which was rendered to have no practical use. The attainer has been described historically as a heavy weapon of war and Engel's racially mixed family became the victim of a form of government impelled economic warfare in a manner of speaking. By the means of fabricated and bogus variance requirements Clark County forced Engel and his alien wife (biracial marriage) to be humiliated and embarrassed at mandatory public meetings, conducted in an inflammatory atmosphere of condemnation and malignant political agitation, racial hatred and economic assault. And before the nightmare and torture of deprivation and punishment was inflicted upon the Engels there was no judicial trial to determine guilt. Never was there a citation or warning of violation of law against Engel.

According to a more recent case, the Cummings and Garland decisions, "stand for the proposition that legisla-

tive acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without judicial trial are bills of attainder prohibited by the constitution." Encycl. Am. Const. (see *Cummings v Missouri*, *Ex parte Garland*, *U.S. v Lovett*.)

DISCRIMINATORY SPECIAL CONDITIONS GOVERNMENT REASON

In a letter dated September 9, 1986 Clark County PAC Administrator Whittington cites "*special conditions*" as the basis for punishment and deprivation to the Engels and the county's departure from its common practice. When pressed for clarification by Engel, Whittington in a letter dated October 7, 1986 explains the "*special conditions*" referred to in his previous letter are established in minutes of the Clark County Planning Commission, an advisory body to the Clark County Commission, of April 22, 1986 and March 7, 1985. (These letters are submitted in evidence). Involved is a bogus variance requirement for a mobile home that never existed and an Extension of Time

for the connection of the non-existing mobile home to utilities. No such connections were ever made or inspected and this type of connection is not physically possible at Engel's. In reference to the bogus Extension of Time Variance, it is Nevada state law that governs Mobile Homes. The scope of Clark County's mandate is limited to the safety inspection of the connection of Mobile Homes to utilities. The fabricated variance requirements provided the county a means to condemn Engel without a judicial trial and to set the Bill-Of-Attainder into force.

The form of the legislative action is not relevant. The fact that it worked a punishment and deprivation against an individual Engel, without a judicial trial is what is prohibited by the U.S. Constitution. "It is when the legislature itself finds a specific person guilty and inflicts punishment, without any provision for judicial trial on the determination of guilt, the Bill-Of-Attainder clause is violated. Nor is it necessary for such violation to occur, for the offending law to contain an express declaration of guilt; it is enough that they legislate punishment, even

though it omits any express ground of condemnation." See
Encycl. Am. Const.

The question whether a deprivation worked by a statute is in the nature of a criminal penalty (or criminal building/zoning penalty)- or even, indeed, whether the legislature did have a punitive intent- is not really relevant to the determination of whether such statute is a Bill-Of-Attainder. It is not the nature of the deprivation, but the fact that a deprivation is being worked by the legislature upon a specified individual or group for misconduct on his or their part, without any trial or hearing before a tribunal competent to determine the question of guilt, that makes for a violation of the Bill-Of-Attainder ban. Encycl. Am. Const.

THE FALSE ACCUSATION THAT THE PERMIT EXPIRED BY LIMITATION

The letter from county PAC administrator, unlawfully declared Engel's building permit void and fraudulently claimed the permit had Expired by Limitation. The "*special conditions*" cited as the basis for action are ungrounded

and based upon the unproven accusation that Engel's construction did not proceed on a timely basis toward completion. Note the county indicates it has commenced enforcement. Note that Engel has never been cited for any code violation or warned, therefore, never convicted of misconduct in a judicial trial. Since he was never warned the government action was a horrible, unanticipated shock. There was no form of appeal provided.

This official referenced the Uniform Building Code to which the county subscribes. It reads:

Sec. 302.(d) EXPIRATION. Every permit issued by the Building Official under the provision of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of 180 days . . . (180 days in Clark County)

Had the county written a citation, gone to court and proved that Engel had suspended or abandoned his project for 180 days, Engel would not have had grounds on which to file his action in federal court. Since the county had conducted three(3) construction inspections , foundation, plumbing and sanitation on Engel's property during the

period in question it is not likely there would be proof of suspension or abandonment. Engel also completed very extensive fill and grading plus other work during the period. The charge is purely fabricated, fictitious and fraudulent. Government officials assumed Engel guilty without proof or trial.

**PLEDGE OR OATH REQUIRED
SANCTIONS PUT IN PLACE FOR AN
ACT THAT WAS NOT UNLAWFUL**

The government explained the discriminatory "*special conditions*" in a second letter that referenced Planning Commission minutes indicating government officials assumed Engel was guilty of lack of progress and guilty of not meeting something they called "Zoning Time Standards". (no such thing exists in the code.) During these circus style, public, planning meetings and the one on May 21, 1986 before the Clark County Commission when the final legislative action was taken, the Commissioners mistakenly believed that Engel had sworn a false-oath to complete his home by a certain date. Furious and dark passions in the minds of government officials provoked by

the illusionary false-oath brought brutal penal sanctions against Engel without trial in a forum competent to determine his guilt. Engel was punished and deprived of his constitutional rights and made to suffer confiscation of his property for an act (not completing construction by the date the commission specified) that was innocent by its nature and was not a violation of law when it was committed. This was accomplished by a legislative body instead of a judicial proceeding.

The constitutional prohibition (attainder) was intended to protect every man's rights against the kind of legislative action which seeks either to inflict penalty without a trial or to inflict a new penalty for an old matter. What avail will be the prohibition, if it can be evaded by changing the form? (See *Cummings v Missouri* page 288)

The Clark County Commission meeting of May 21, 1986 was for a bogus Extension of Time Variance. Engel had been coerced into applying for it by threat of enforcement . Utility connections were never made or in-



spected and are not physically possible. Engel did not need a variance.

Engel recalls County Commissioners and Planning Commissioners discussing lack of progress among themselves and assuming his guilt, but denies any understanding of or agreeing to or willingly agreeing to "*special conditions*".

EVIDENCE THAT ENGEL DID NOT DELAY CONSTRUCTION

While at this point the government had assumed Engel was guilty of lack of progress, there is strong evidence to the contrary.

(A) During the 180 day period that Engel was accused of being guilty of abandoning on suspending construction Engel passed three county inspections: foundation, plumbing and sanitation.

THE COUNTY HEALTH DEPT. APPROVED THE WATER CONSERVATION SYSTEM AFTER MONTHS OF DELAY

(B) The Clark County Health Department and Engel had agreed upon a Water Conservation System that potenti-

ally would protect ground water throughout the western USA from contamination by residential septic tanks.

After months of this matter pending in county paper work Engel attempted to withdraw his interest, but County Health would not accept withdrawal. On about August 15, 1986 the Health Dept. top administrator with a medical doctor, engineer and construction inspector in tow came to Engel's property and on the spot approved the system. Engel immediately finished the plumbing plan, constructed as required and passed the inspection.

**COMMISSION IMPOSED OATH REQUIRED
ENGEL TO VIOLATE THE LAW**

(C) After passing the above mentioned sanitation inspection for the first time Engel's building permits were free of all restrictions and the Foundation Only Requirement the county had imposed. Five days later on September 9, 1986 the permits were unlawfully declared void. Note that had Engel completed his home by March 1986 as the commission had required by pledge or oath Engel would have had to violate the law or code. The code required that

he wait for approval of the Health Dept (granted Aug 86) before finishing the plumbing plan and properly placing the plumbing before pouring concrete slabs. Did the county wish to speed up construction or delay and make it impossible?

(D) Note the Engel was given a total of five days in which to build his home. Five days after the sanitation inspection removing restrictions the permits were declared void.

(E) The fact that Engel could live in a portion of the house (basement) defies the assumption that he was guilty of lack of progress. It is amazing and surprising to some that with "foundation only permits" he could build a place to live.

(F) County actions had a negative affect on the financing of the home causing problems time related.

(G) The type of construction, methods and materials, soil conditions, damage and delay due to disaster area flooding conditions and a wide variety of other factors were also ignored when it was assumed by the government that Engel was guilty of delay. For example, basements are

very rare in the area because of adverse soil conditions.

A nine ton bulldozer was necessary for this work.

Under the form of creating a qualification or attaching a condition, the States cannot in effect inflict a punishment for a past act which was not punishable at the time it was committed. *Cummings v Missouri*

Deprivation or suspension of any Civil Right for past conduct is punishment for such conduct. *Cummings v Missouri*

These bills, though generally directed against individuals by name, may be directed against a whole class, and they may inflict punishment absolutely, or may inflict it conditionally. *Cummings v Missouri*

The prohibition of the Constitution was intended to secure the rights of the citizen against deprivation for past conduct by legislative enactment, under any form, however disguised. *Cummings v Missouri* 71 US (How) 277

A statute which inflicts its deprivation upon named or described persons or groups constitutes a bill of attainder whether its aim is retributive, punishing past acts, or preventive, discouraging future conduct. (*U.S. v Brown*)

The Bill-Of-Attainder Clause was intended to implement the separation of powers. . . by guarding against the legislative exercise of judicial power. (*U.S. v Brown*)

The Bill-Of-Attainder Clause is to be liberally construed in the light of its purpose to prevent legislative punishment of designated persons or groups. *U.S. v Brown* 381 US 437 (1965)

ENGEL'S ORIGINAL COMPLAINT
DEPRIVATION OF CIVIL RIGHTS

This is only a portion of the original complaint

The plaintiff alleges that on May 21, 1986 and continuing in force the defendant in an unreasonable and unlawful act voted a Bill-Of-Attainder creating "special conditions"; such conduct was done by the defendant under color of law of the County of Clark, State of Nevada in their capacity as Board of Commissioners, County of Clark, State of Nevada and that such conduct deprived the plaintiff of his Civil Rights as guaranteed by the Constitution, Fifth Amendment, Taking Clause, Fourteenth Amendment, Equal Protection, Due Process, General Welfare Standard and Bill-Of-Attainder, that as a proximate result plaintiff and members of his family were deprived of the rights to and the use of his private property, delay of construction, loss of investment, physical and financial hardship, extreme trepidation, anxiety and apprehension of punishment and physical harm, embarrassment, public vilification, malediction and humiliation and that such conduct was so unreasonable, irresponsible, wanton, illdisposed and groundless as to entitle plaintiff to punitive, as well as compensatory damages.

The Plaintiff claims that on April 22, 1986 and continuing in force the defendant conducted a Planning Commission meeting in an arbitrary and capricious and unlawful manner in which public officials exhibited a predisposition in the matter, did not understand or obey the rules of evidence, made reference to falsified documents and spurious complaints and made demands not supported by facts or expert knowledge, such that the plaintiff's Civil Rights were violated, including but not limited to not being permitted to know the charges or complaints made against him and was not permitted to examine his accusers under oath; and that such conduct was done by the defendant under color of law. . . (same as above)

The plaintiff claims that on August 28, 1986 and continuing in force the defendant unlawfully declared Building Permit No. 1-45-004725 void and dispatched enforcement officers to coerce plaintiff to vacate his private property at 3388 West Cougar Avenue, Las Vegas, Nevada to remove his private possessions from his property and not to enter or use his underground structure on the property; and that such conduct . . . (same as above)

FRAUD BY THE DEFENSE

In the June 29, 1989 decision the appeals court states, "Engel alleges that Clark County violated his constitutional rights by denying him a building permit." The use of the word denying by the appeals court is an error in fact. Engel was never denied a building permit. Engel did not allege he was denied a permit. The Appeals Court's error implies that the disguised and indirect attainder form used by the county conceals the fact that they used a penal sanction. Step one, that Engel was first granted permits and step two, he was punished when they were declared void. There are two separate and distinct procedures. The first was correct. The second unlawful

Engel alleged he was denied a trial to determine the question of guilt not just building permits. He was also denied the presumption of his innocence until proven guilty in a court of law.

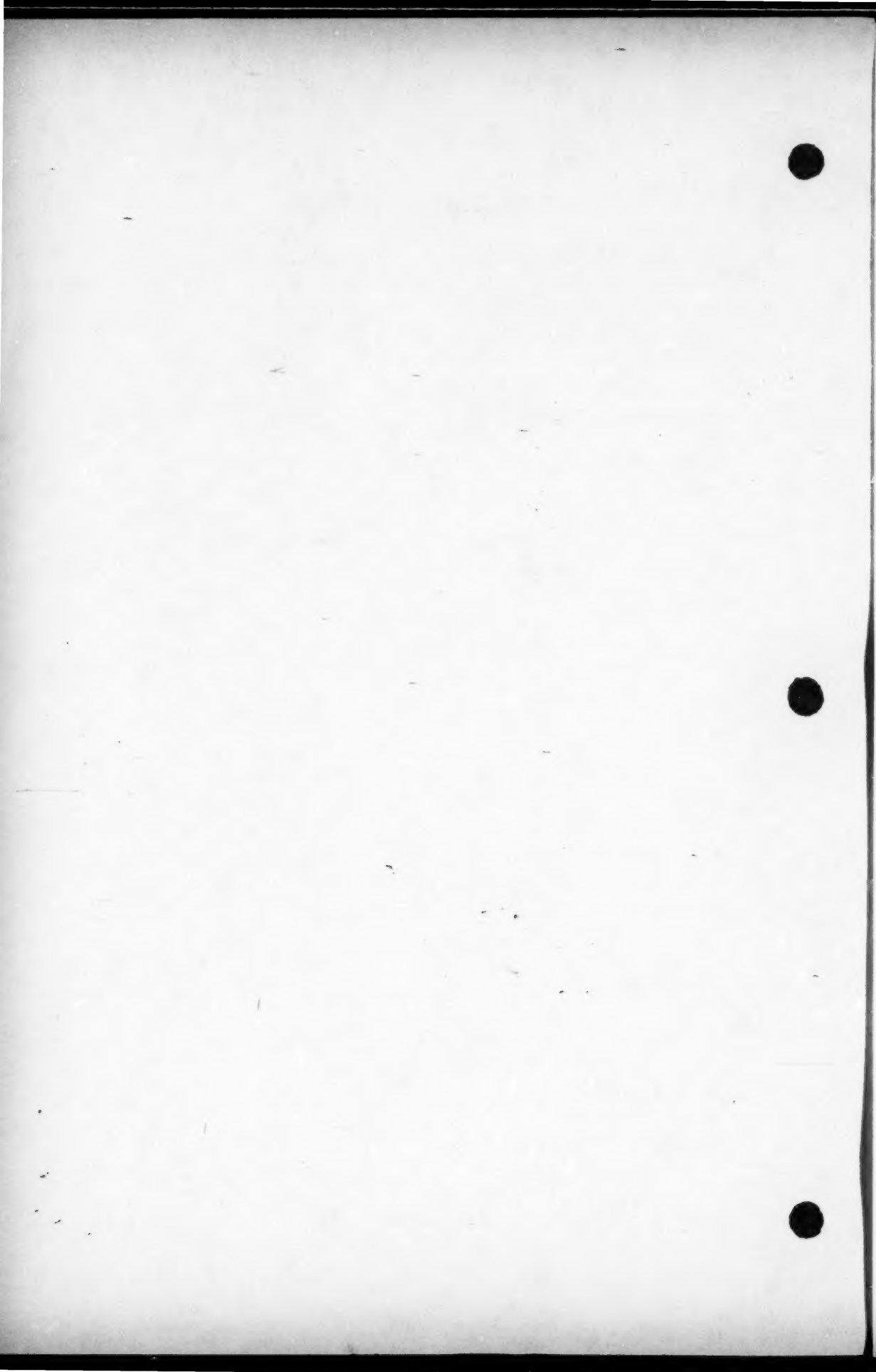
Building permit numbers 23-005523 and 45-004725 were both properly approved by authorized persons in

accordance with Clark County Code Sec. 22.02.147. The county conducted inspections based upon them. A portion of the home was completed

To date it has not been proven that Engel suspended or abandoned his project as county officials falsely alleged. Therefore, the permits could not Expire by Limitation. (See Uniform Building Code 302(D).

Furthermore, the temporary restrictions of "foundation only" and "no final without approval from Health Dept." which had caused a delay in the completion of the home were overcome by Engel. Five days later the unrestricted permit was unlawfully declared void.

Since Clark County agreed to grant Engel building permits because he had met all the conditions required by law and evidence indicates they could not have Expired by Limitation, how does the county explain that Engel came to be deprived of them? They lie! They fabricated the totally fictitious and fraudulent story that they had at some point in time "denied" them, that Engel never had them. By this method they conceal and confuse the issue that Engel was



punished and deprived by a legislative act. They also concealed that the act was based upon discriminatory "*special conditions*". Permits cannot be both *denied* and *approved* that is ridiculous. If the court is assumed to be correct and Engel did allege he was denied building permits then one must consider that Engel is required by the disguised penal form of attainder to testify against himself as well as prove himself innocent.

DEFINITION: What is punishment? The infliction of pain or privation. To inflict the penalty of death, is to inflict pain and deprive of life. To inflict the penalty of imprisonment, is to deprive of liberty. To impose a fine, is to deprive of property. To deprive of any natural right, is also to punish. And so it is punishment to deprive of privilege. See page 286 *Cummings v Missouri* 71 US (4 How.) 277.

The county used fraud to market its case to anyone willing to presume Engel guilty of misconduct, rather than assume him innocent until proven guilty. This way they would conceal punishment without judicial trial.

Rule 60(b), as amended, provides for relief, on motion because of fraud, misrepresentation or other misconduct of an adverse party. Judgments obtained through fraud, misrepresentation or other misconduct should be vacated by use of Rule 60(b)(3), which is remedial and should be liberally construed. *Atchison, T. S. F. Co v Barrett*, 246 F2d 846, 24 Fr Serv 60b.33 *Fackelman v Bell*, 564 F2d 734.

Fraud upon a court, or fraud which induces an adversary to withdraw his defense or prevents him from presenting an available defense, is type which equity will relieve. *Groves v Witherspoon*, 379 F Supp 52.

Rule 60(b) empowers court to vacate any fraudulent judgement and prescribed remedy for relief is by way of motion or independent action. *Cuthill v Ortman-Miller Mach. Co.* 216 F2d 336.

The record on file in the Appeals Court indicates the following fraudulent statements by the defense:

1. Engel had a Mobile Home on his property.
2. Engel had utility connections on his property.
3. The county had made safety inspections for utility connections at Engel's.
4. Engel was denied building permits.
5. Engel was denied a variance.
6. Engel made no progress on construction.
7. Engel could resolve problem by paying penalty.
8. Understated penalty amount by 100%.
9. Falsely represented expiration of statute of limitations.

10. Made a false and distorted representation of plaintiff's complaint.

11. Falsely stated Engel desired to engage the county in a dispute.

On the later point Engel states, we must remember we have duties and obligations to perform corresponding to the blessings which we enjoy. I feel a personal responsibility to the full extent of my limited power and influence for the preservation of the principles of liberty.

COURT HISTORY

Engel, a California resident, filed his Civil Rights complaint under 42 U.S.C. 1983 and 28 U.S.C. 1332 diversity of citizenship in the U.S.D.C. Central District of California because a variety of circumstances existed which would make a fair trial implausible in Nevada. Engel and his mother (both living in California) homesteaded the Nevada property under the U.S. Homestead Act in the 1950's.

On March 26, 1987 acting under the influence of fraud the Central District of California transferred the action to Nevada. The order failed to observed that in Nevada Engel was subject to a Bill-Of-Attainder, by the famous Clark County Commission.

Where plaintiff's complaint alleges cause of action against state officials based upon unlawful (unconstitutional) action, fiction of official residence created for benefit of public may be destroyed by simple allegation that defendant is unlawfully acting against public and government officials allegedly acting outside the scope of his public capacity should not enjoy benefit of defending on his own turf those unlawful wrongs which are committed against public he is to serve. *Sheffield v Texas* 1976 D.C. Tex 411 F Supp. 709, 28 USC 1391 Civil Rights.

Engel appealed he order transferring to Las Vegas



to the Ninth Circuit. CA No. 87-6116. Wallace, Anderson and Thompson, judges ruled:

Appellee's motion to dismiss the appeal for lack of jurisdiction is granted. The district court order transferring venue was not a final appealable order. See *Varsic v U.S.D.C.* 607 F2d 245, 251. The appeal also cannot be construed as a petition for writ of mandamus because appellant has not demonstrated extraordinary circumstances justifying mandamus relief. *U.S. v Gregor*, 657, F2d 1109.

The Ninth Circuit's decision mirrors the defense's arguments that Engel is required to file a writ of mandamus. Requiring Engel to file an "abolished" document is not fair or a just solution.

Writs of scire facias and mandamus are abolished. Relief heretofore available by mandamus or scire facias may be obtained by appropriate action or motion under the practice described in these rules. Rule 81(b) Civil Procedure

Under Rule 81(b), relief, mandamus in character, is not abolished; Rule merely provides for same remedy under different procedure.

On September 11, 1987, U.S.D.C. Nevada ordered the action to be dismissed. No CV-87-0419-HDM.

Engel alleges that the members of the U.S.D.C. Nevada have personal knowledge of the members of the publicly elected Clark County Commission and other local Clark County authorities or via television and mass media

have a particular kind of knowledge of these persons. This knowledge makes it impossible for the court to render an impartial decision on the Bill-Of-Attainder violation against the powerful, political body in the complaint.

B. The Nevada court arrived at its decision without the benefit of a hearing.

C. The Nevada court did not see any evidence.

D. The Nevada court did not hear oral argument.

E. It relied upon fraudulent information provided under the authority of Clark County, Nevada.

F. It ignored and did not demonstrate competence in the central issue of the case. Art. 1, Sec. 9 & 10 Bill-Of-Attainder.

G. The Nevada court assumed Engel guilty of misconduct and required that he prove his innocence.

Engel appealed to the U.S. Court of Appeals 9th cir. case No. 87-2807. It was decided by the Ninth Circuit June 27, 1989. They did not permit a prebriefing conference which would have benefited Engel by providing



information that would have clarified the issues raised later. They did not permit oral argument. They assumed Engel guilty of misconduct and required that he prove his innocence. This may be proper in Civil Cases, however, with the Bill-Of-Attainder allegation the burden of proof falls upon the government. (See Cummings v Missouri)

POINTS ON JURISDICTION

A. The Court of Appeals 9th. Cir. rejected the lower court's grounds for dismissal, raised an issue de novo while affirming the lower court's decision to dismiss. It was clearly indicated that the case is not finished. Appeals Court rejected the lower's issue that Engel had not raised a federal question and that Engel must proceed in state court. The Appeals court thereby has confirmed Engel's right of election or choice and narrowed the issue.

Since the right to sue in federal court is a substantial one, of which a litigant should not be deprived, a federal court which has jurisdiction ordinarily should not refuse to exercise it. This is true regardless of the motives behind the litigation, and even though state courts may be open to the litigants and it appears preferable that the case should be brought to them. *Southern Pacific Co. v Corbett*, 20 F Supp 940 *Commonwealth Trust Co. of Pittsburgh v Bradford* 2297 US 613, 80 L Ed 920, 56 S Ct 600 *Mary Hosiery Mills, Inc v U.S.D.C. Montana*, 644 F2d 450. *Brunrite Coal Briquette Co. v Riggs*, 274 US 208, 71 L Ed 1002, 47 S Ct 578.

The right of recourse to either a state or federal court, where it exists, is sometimes referred to a choice or election of which the plaintiff may not be deprived. *Missouri ex rel. St Louis, B & M R Co. v Taylor*, 266 US 200, 69 L Ed 247, 45 S Ct 47. *General Outdoor Advertising Co. v Williams*, 9 F2d 165.

The Appeals Court's grounds de novo indicates Engel did not attempt to show proof that he had taken all reason-

able measures to resolve the matter before proceeding to federal court. The following address that issue.

B. The law establishing the Clark County Commission reads:

CLARK COUNTY CODE 3.36 (b)(1)

To provide that the several commission districts shall represent substantially equal numbers of people as practicable, in compliance with the constitutions of the United States and the state of Nevada. (See appendix)

In creating the Commission in this manner the framers intended that its decisions would be reviewed by both the U.S. federal Courts and Nevada's. This Commission is an all powerful , elected authority and 3.36 (b)(1) is the only stated limitation on the Commission's power. It is the highest and final authority in Clark County, Nevada. Whereas there was no other check or balance or appeal provided by law in creating the commission , Engel must be permitted to make his election or choice, U.S. or Nevada Court.

C. Commonly within the context of precedent cases the word "state" includes all local government within the state's boundary. For example, if states are forbidden



to coin money then a city or county is likewise forbidden. From this perspective, Engel's election or choice is federal or {state-county}. Engel has the right to choose. The county has ignored, obstructed and stonewalled three letters, prayers of relief or appeal from Engel, waiting until after the expiration of the statute of limitations to respond, for example.

D. The Appeals Court's ground's de novo for affirming against Engel was that he " has not met the burden of proof that the Planning Commission reached a Final Decision" and that Engel's case is not "ripe" for federal review. The Appeals Court, however, is in conflict with decisions in the Supreme Court. *Cummings v Missouri*, *Ex parte Garland*, *U.S. v Lovett*, *Kennedy v Mendoza-Martinez*, *U.S. v Brown*, *Imma & Nat Ser. v Chadha*. In these cases Engel would be assumed to be innocent of misconduct until proven guilty in a court of law. The Appeals Court's in its grounds de novo statement overlooked the indirect method by which Clark County had

achieved penal sanctions and to Engel's extreme disadvantage "altered the rules of evidence with respect to proof of the acts specified - thus in assuming the guilt instead of the innocence of the parties; in requiring them to establish their innocence, instead of requiring the governments to prove them guilty. . . ." Cummings v Missouri pg 278.

The Appeals Court requires Engel to prove a planning commission made a final decision. If Engel is successful in this he will be given the opportunity to prove himself innocent of misconduct, maybe! The government is supposed to have the burden of proof and conviction before they punish and deprive.

Another , conflict with the Supreme Court decision also arises. Engel is required to provide facts and information to show the "final decision" was reached and how accomplished. Is it possible to do so without testifying against himself? Will no fact he has provided be used by the government against him.? Who will guarantee? Already the Appeals Court has assumed Engel alleged he was *denied* (not punished and deprived as Engel actually alleged) a

building permit. Was Engel required in the simple act of filing a civil action for defense against penal sanctions to testify against himself? This problem is characteristic of the Bill-Of-Attainder precedent cases.. see Cummings v Missouri page 278.

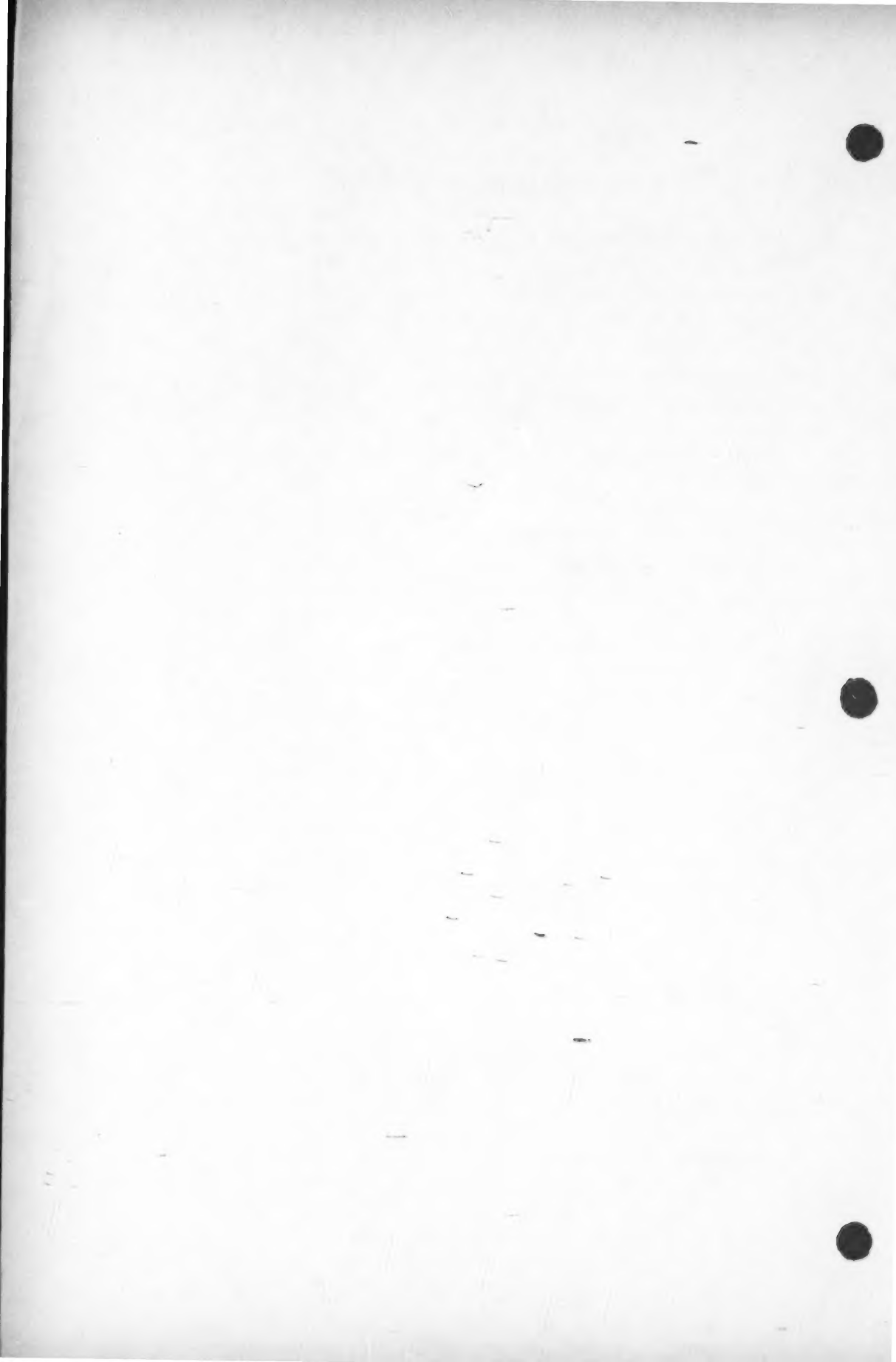
There is no practical difference between assuming the guilt and declaring it. The deprivation is effected with equal certainty in the one case as in the other. The legal result is the same, on the principle that what cannot be done directly cannot be done indirectly. Cummings v Missouri 71 US (4 How.) 277

The prohibition cannot be evaded by Clark County by giving a civil form to that which is in substance criminal.

"Ripe", "not Final Decision", the appeals court argues, however, the form is not relevant.

Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution. U.S. v Lovett 328 U.S. 303 (1946) Cummings v Missouri, 4 Wall 277, Ex part Garland, 4 Wall 333.

E. If the county had followed lawful methods it could have avoided this law suit. The Clark County Commission made an ungrounded assumption that Engel was guilty of swearing a false-oath or pledge and the Commis-



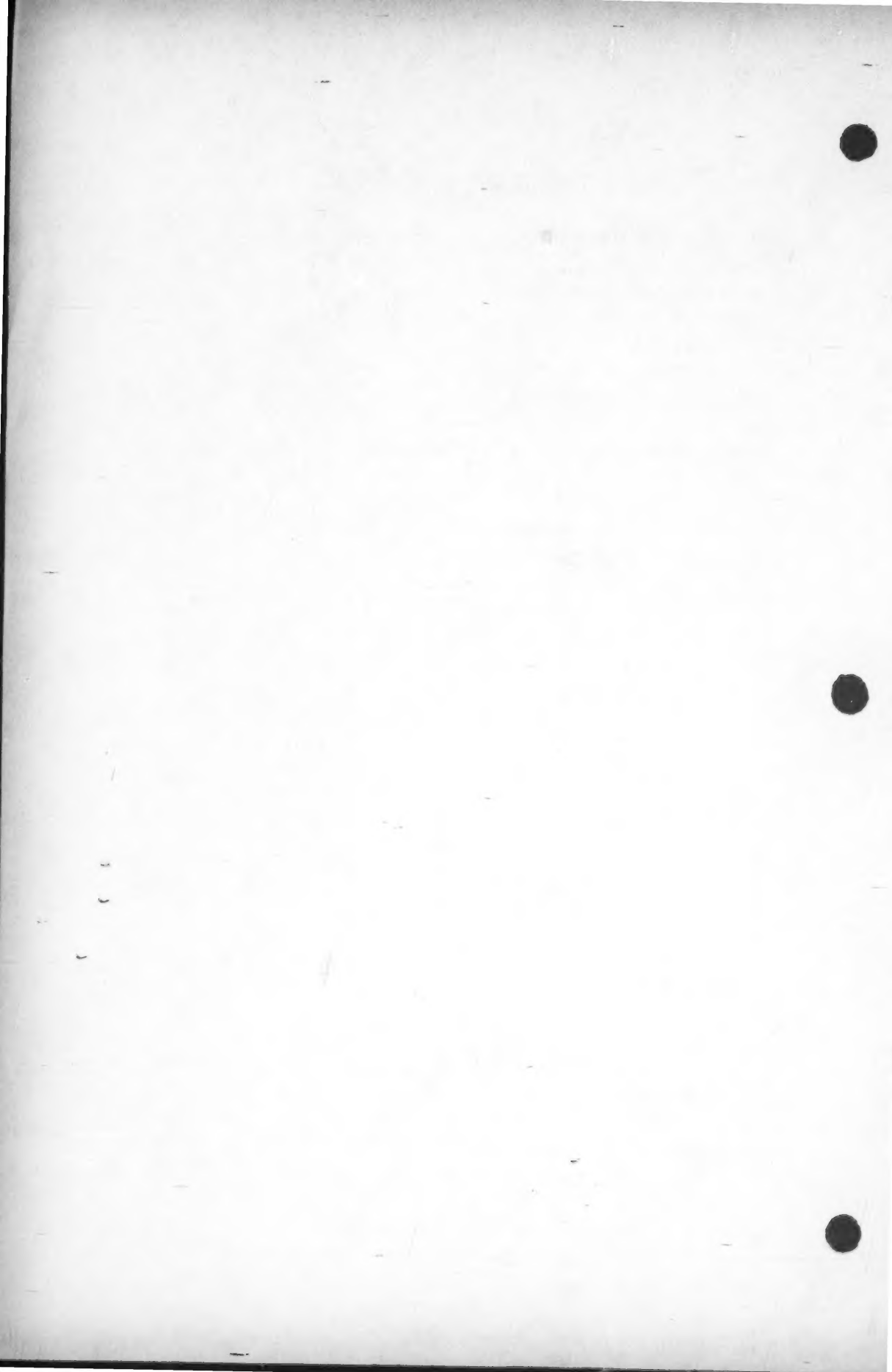
sioner's hellfire followed in the form of brutal penal sanctions. They assumed him guilty of delaying the construction of his home without valid proof or trial.

Had Engel been guilty or suspected of wrong doing in regards to the construction of his home the county could have avoided this law suit by following lawful procedures available to them in reference to building permits, such as the following:

22.02.140 VIOLATIONS It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this code and/or the technical codes.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and everyday or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment. Whenever in this chapter any act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, the doing of any such required act shall constitute a violation of this chapter. Any day of any violation of this chapter shall constitute a separate offense. (Ord. 955 11(part), 1985) C.C. Code

ENFORCEMENT 20.01.010 AUTHORITY TO ISSUE CITATIONS. Building, electrical, mechanical, plumbing and zoning inspectors and their immediate superior officer of said inspectors of the department of building are authorized to prepare, sign, and serve misdemeanor citations, pursuant to NRS Chapter 171, to



enforce the provisions of Titles 22,23,24,25,27,28 and 29 of this code, and shall diligently prosecute the violation thereof. (Ord. 846 I7, 1983: Ord 644 I1 1979) C.C.Code.

Numerous Clark County enforcement inspectors and building inspectors visited Engel's. Not one ever wrote a citation. Not one issued a warning. Not one found any violation or threat to public health, public safety, public morals or general welfare against Engel. The case is "ripe" for federal review because the county chose and continues to choose unlawful (unconstitutional) methods to achieve their goals when lawful routes were open.

F. The Appeals Court raised a question had the Planning Commission made a final decision? Chapter 3.12 of the C.C. Code indicates that the seven members of the planning board are appointed by the chairman of the board of county commissioners with approval of the board. Sec. 3.12.090 indicates proof of final action by this board.

3.12.090 REPORTS AND RECOMMENDATIONS. The Clark County Planning Commission, through the director of the county planning department shall make report of its findings, determination or recommendations to the board of county commissioners as may be authorized under applicable law or ordinance. (Ord. 201110,1964)

Since the matter referenced by the Appeals Court

was sent to the Clark County Commission on May 21, 1986 the Planning Commission had reached its required final decision and made its required report as mandated by the law. (3.12.090)

G. There exist also a combined Board of Building Appeals established under Clark County Code. 22.02.130. This board is prevented by law from deciding variance issues and lacks competence in Civil Rights Law. Its purpose as stated in the code is to determine the suitability of alternate materials and methods of construction. It is composed of 22.02.130(B) C.C. Code, one architect, one general contractor, one engineer, one representative of industry, one layman and one building official to act as secretary and member officio; provided , that he shall have not vote.

Code section 22.02.130 specifically limits the scope of this board's authority. "The board has no authority to grant waivers or variances to specific code requirements." Engel's case involves the violation of his Civil Rights, racial discrimination, economic discrimination,

U.S. Constitutional law, ex post facto law, bill-of-attainder law, etc. The purpose and personnel of the materials board indicates it is not competent to deal with the questions raised by this case.

Further, this case arises from a bogus variance requirement regarding a non-existent mobile home. This board is specifically prevented by law from making decisions on variances

ZONING PRECEDENTS

Zoning precedents also establish grounds for jurisdiction in federal court for this case.

Ordinances regulating the use of land may be attacked as enacted or as applied; in an "applied" challenge ordinances which might be inoffensive on its face is claimed to have been applied by the public officials to a particular parcel in such a way as to produce unconstitutional results. *Kinzli v City of Santa Cruz* 539 F Supp. 887.

A land use decision which arbitrarily singles out a particular parcel for different, less favorable treatment than neighboring is not a proper exercise of police power. *Hanky v City of Richmond*, 532 F Supp 1298.

D.C. Mich. 1980 As a general rule, official action come cloaked with a rebuttable presumption that public officers have applied a zoning ordinance in a regular and lawful manner. *Beasley v Potter*, 4399 F. Supp 1059.

D.C. Ark 1984 Zoning and land use enactment may not be upheld unless it is a valid exercise of police power, and such

enactment must bear definite relation to health, safety, morals and general welfare of inhabitants of the part of the city where the property zoned is situated. *Corder v City of Sherwood*, 579 F Supp. 1042.

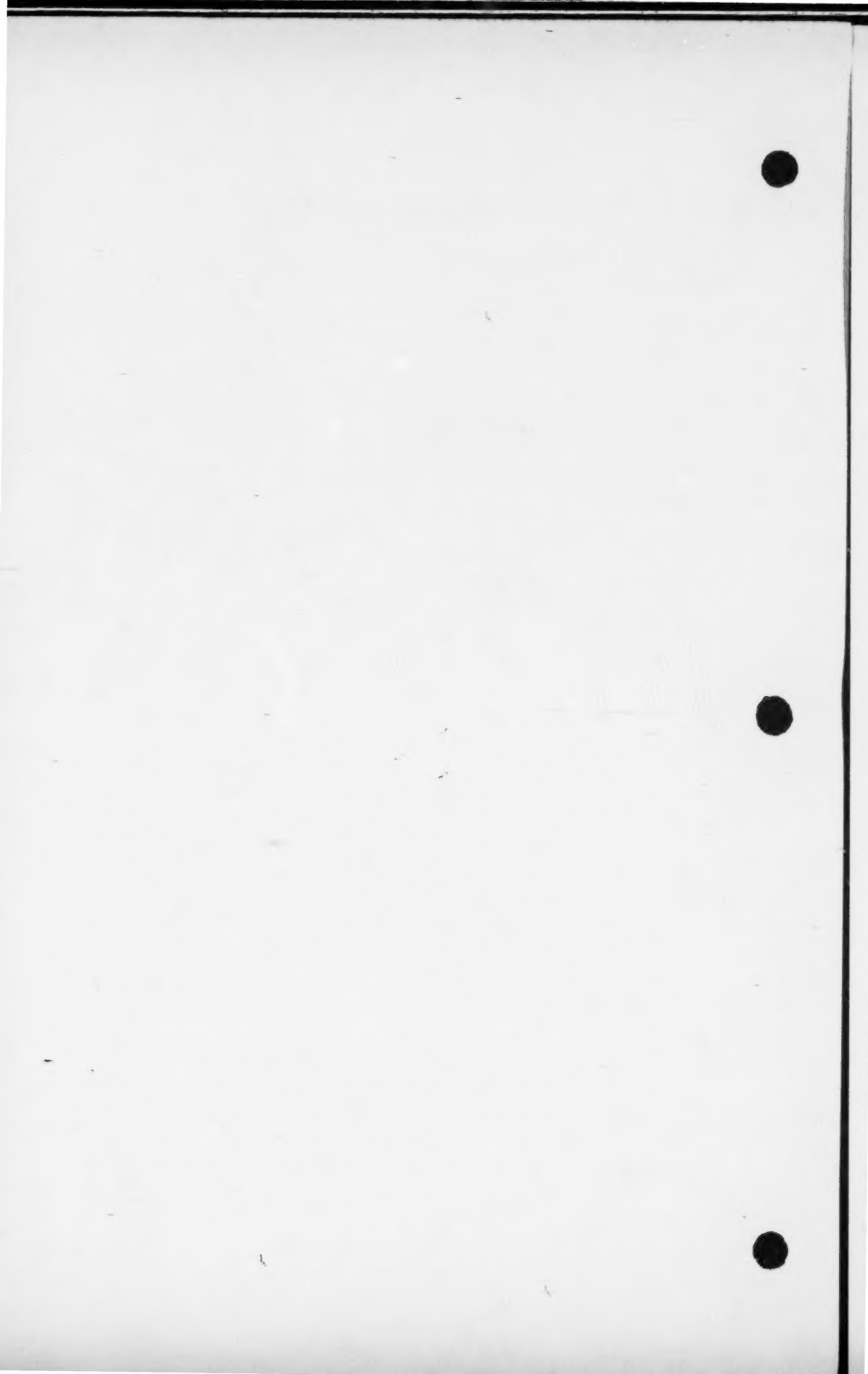
Bkrtcy. Cal 1981 If a California property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by government, he acquires vested right to complete construction within terms of the permit. *San Clemente Estates v City of San Clemente* 12 B.R. 209.

As evidenced by the Clark County Code Engel made all possible appeals in the system of local government before filing in federal court. The right to sue in federal court is a substantial one that should not be denied. The only appeal available from the powerful elected Clark County Commission is to the United States and Nevada constitution and courts. Engel made a reasonable effort to resolve the matter before and since coming to federal court. The county had lawful means at its disposal to condemn a guilty person, but chose irregular (unlawful) methods instead against Engel. The Court of Appeals has placed upon Engel the burden of proving himself innocent rather than the government (county) proving him guilty. Also the Pro SE plaintiff is being required to provide information to the court, such that he is compelled to

testify against himself. To date Engel has not even been provided a hearing in federal court in which to prove his innocence. Therefore, he anticipates justice from the Supreme Court in the question of jurisdiction. He anticipates justice also in the question of the violation of his constitutional rights by the government.

MATURITY OF PRECEDENTS ON BILL-OF-ATTAINDER

The maturity of the precedent cases on Bill-Of Attainder attests to the fact that the issues are fundamental. Because of this fact Engel's case can be viewed from several perspectives representing each of his rights that have been violated: Due Process, Taking Clause, Speedy Trial, Impartial Jury, Nature and Cause of Accusation, Confrontation of Witnesses, Compulsory Process for Obtaining Witnesses, Assistance of Counsel, Excessive Bail, Cruel and Unusual Punishment, Compelling to Testify Against Himself, Preventative Detention or Deprivation, Separation of Powers. Violation of building and zoning law is classified as a misdemeanor in Clark County therefore sanctions applied against Engel were criminal in nature. As one studies the attainder in U.S. history one discovers it is disguised in many forms. Not only do the victims suffer penal sanctions but it places upon them the burden of proving themselves innocent and in many instances compels them to testify against them-



selves in order to even provide evidence of jurisdiction to the courts.

Such punishments may not constitutionally be inflicted without a prior criminal trial with all the safeguards guaranteed by the Fifth and Sixth Amendments, including indictment, notice, confrontation, jury trial, assistance of counsel and compulsory process for obtaining witnesses. Bill-Of-Attainder case *Kennedy v Mendoza-Martinez* 372 U.S. 144.

The act being of this character partakes of the nature of a bill of pains and penalties, and is subject to the constitutional inhibition against the passage of bills of attainder, under which general designation, bills of pains and penalties are included. *Ex parte Garland* 71 US (4 Wall) 333 (1867)

The methodology employed by the Clark County Commission provided no checks or balances. If it may banish at discretion all those whom particular circumstances render obnoxious, without a hearing or trial, no man can be safe, nor know when he may be the innocent victim of a prevailing faction. Chief Justice Warren E. Burger referred to the theory of the separation of powers in the Constitution as dividing the powers of government into "three defined categories, legislative, executive and judicial" which are "functionally identifiable". Engel's case demonstrates how Clark County has erased all "functional" lines. In a concurring opinion Justice Lewis F.



Powell indicated a legislative body had improperly exercised judicial power by ruling on the case of a particular individual rather than making a general rule. We see that the county violated a rule of great fundamental importance, The Generality of Law. (restricting legislative power to the general rather than the particular.) See *Immigration and Naturalization Service v Chadha*. (1983) 102 SCt 87,454 US 812, 77 L Ed2d 80

The point is that the same principles of Attainder cases appear in many, important, recent cases even though not specifically, identified as such. Attainder has not decayed away in American Law. Some legal authorities, even judges, may overlook their significance and jurisdiction, but they are today as they were in the Middle Ages a test of our Civilization.

ACTS OF TERROR

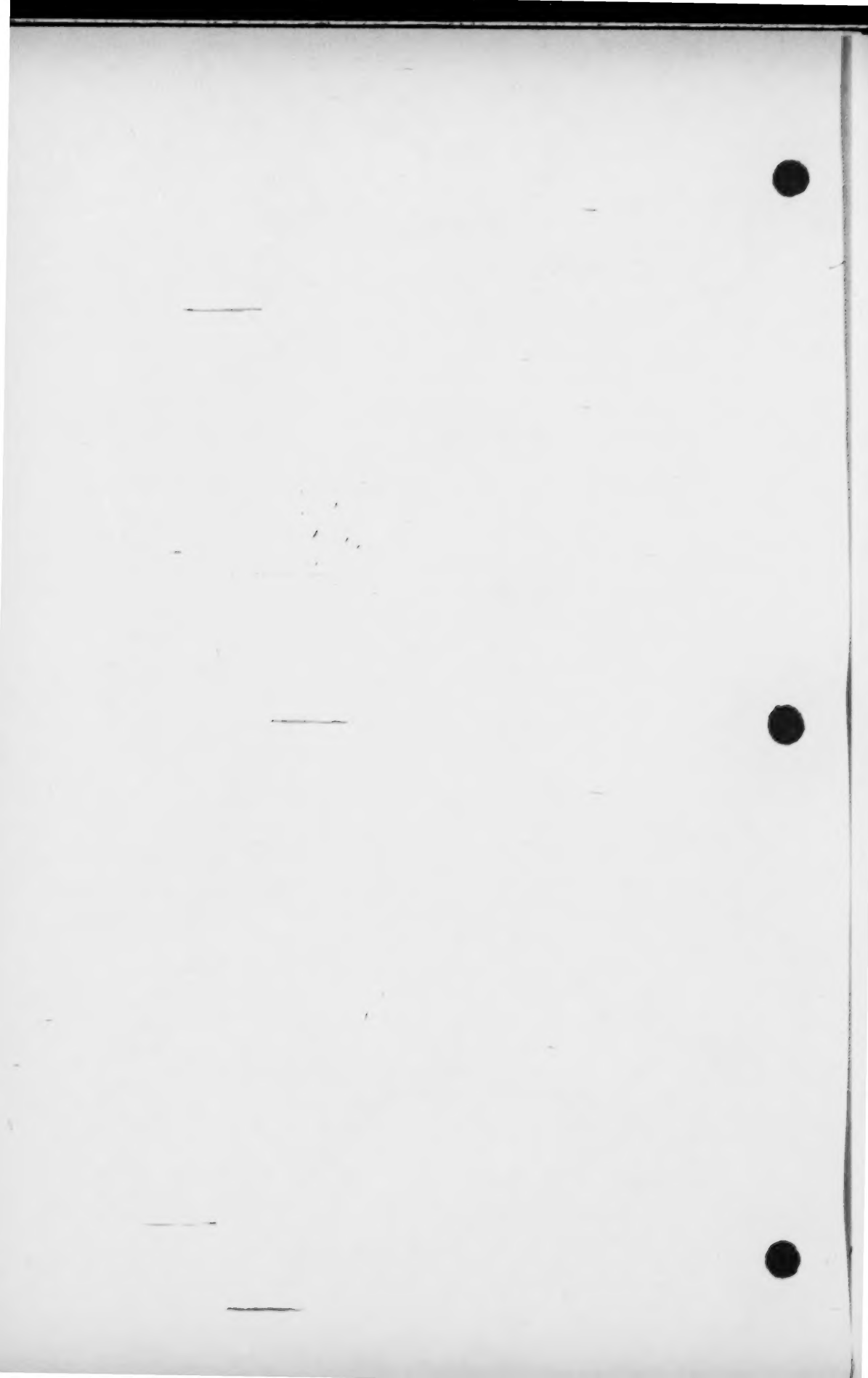
Clark County must also be held accountable for Acts of Terror which placed the Engel family in danger of their lives and threatened severe damage to their property. The property is located in an area deemed a disaster area on one recent occasion due to flash flooding. Engel's and a neighbor's property were protected by a earthen flood dike located on private property. The county held a public meeting in which they required the flood dike to be removed. Engel was not notified of the public meeting or its subject matter. The county removed the dike. The county failed to notify Engel of the danger they had created by diverting the water into Engel's property. Engel suffered property damage and lives were threatened. The county refused to provide assistance. The dike was located in such a position in which it would be difficult to detect its removal without notice, until too late. See original complaint.

RACIAL DISCRIMINATION

The political power base in Clark County and Las

Vegas is Mormon. Elected officials are Mormons, for example, U.S. Senator Harry Reid, etc. It appears that to some Mormons, Engel's bi-racial marriage and asian wife are viewed as threatening and offensive. A demonstration is when a Mormon family named Singer, in Utah used violence to oppose sending their children to integrated schools. They had the sympathy of many Mormons. Unfortunately, for Engel they are anti-semitic also.

The Las Vegas Chapter of the NAACP recently registered a complaint when the Clark County Fire Chief reported in a newspaper article that Clark County shows a preference for hiring Mormons because, "they always come to work on time." Engel and his asian wife were compelled to be grilled in public commission meetings of a dark and inflammatory nature to avoid "County Enforcement Teams". The meetings were racially exploitative. The audience was largely composed of poorly educated, illiterate whites employed in the gambling industry.



FALSIFIED EVIDENCE & CRIMES

The record and evidence demonstrates county officials fabricated and falsified evidence.

Engel reported the following crimes to the FBI in Orange County California office: political corruption, extortion, blackmail, conspiracy, coercion, and collusion. Also see the U.S. Justice Dept. report on building and zoning corruption in general, located in the appendix.

REMEDY

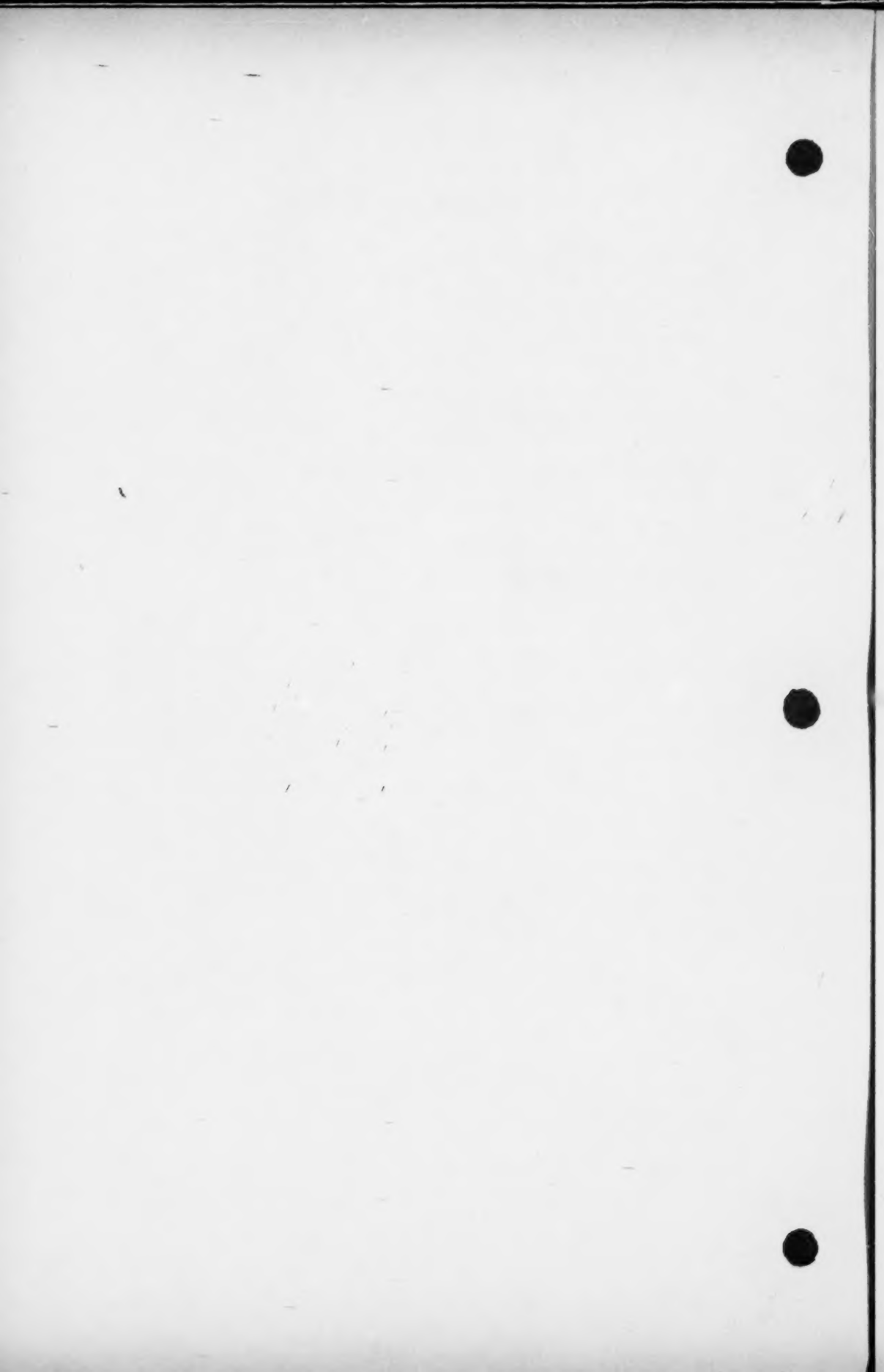
42 U.S.C. 1983 provides for the payment of damages for deprivation of Civil Rights.

12 Corpus Juris 820, 821,822,823,824 signals unlawful acts requiring compensation.

16 Corpus Juris Secundum 452 signals unlawful acts requiring compensation.

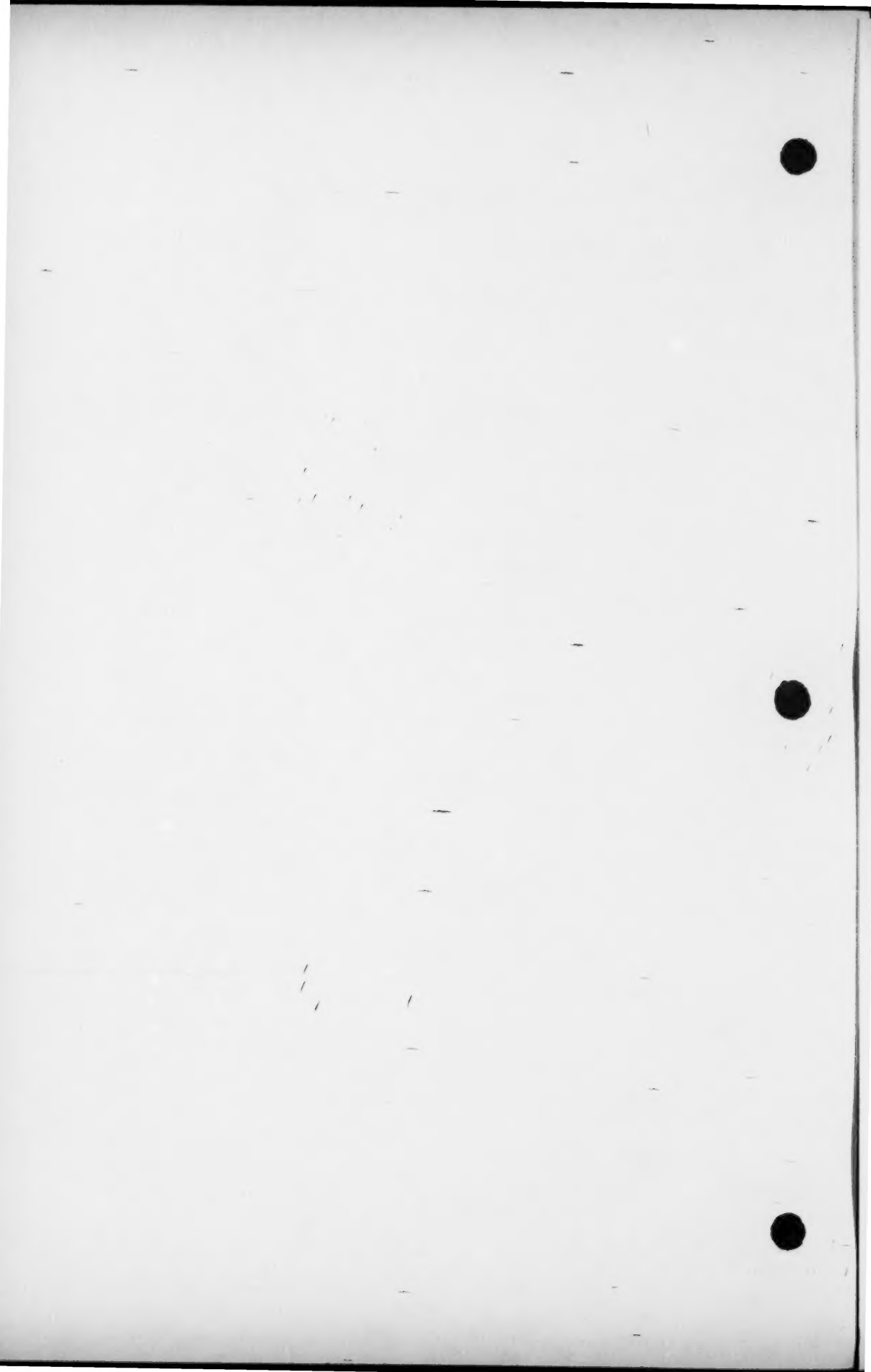
"Temporary" regulatory taking which deny a landowner all use of his property, are not different in kind from permanent takings for which the constitution clearly requires compensation. F.E.E. Luthern Church of Glendale v L.A. County, CA NO. 85-1199 decided by the Court on 6/9/87.

Clark County should pay compensatory damages that would permit Engel to have a comparable house built (same



plans) on a comparable size and location of lot in a California community.

Clark County should pay punitive damages in a manner similar to Clark County Code Section 22.02.140 for violations. Violation of each of Engel's Civil Rights shall be considered a separate offense, and the county shall be deemed guilty of a separate offense for each and everyday that deprivation to Engel has occurred and each person so deprived shall be similarly compensated. The amount should be \$10,000 per each deprivation of a right, times each day the deprivation was in effect, and times the number of interested parties to this case.



PLENARY CONSIDERATION

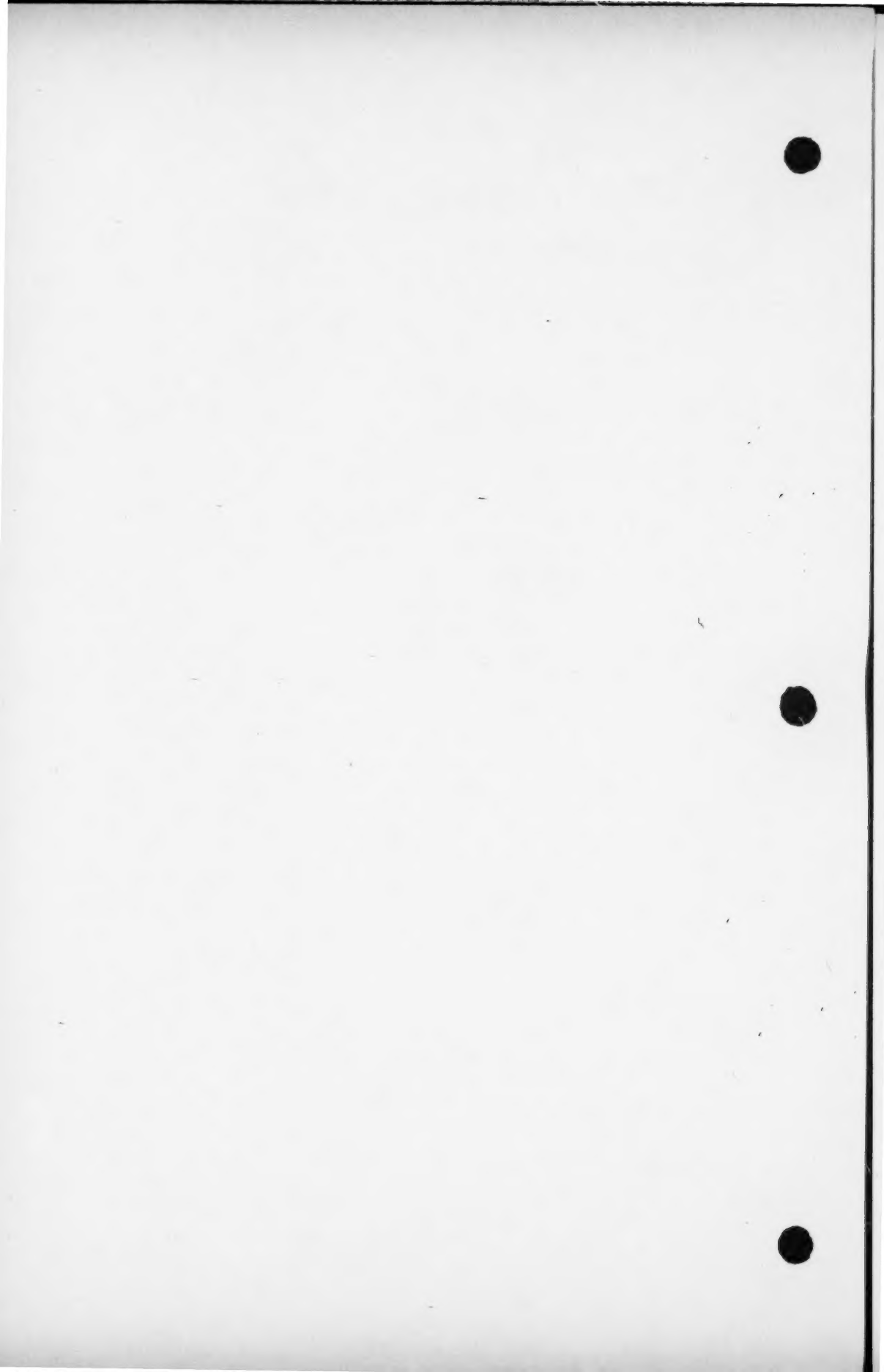
This action can be condensed to two short questions:

1. Was Engel punished and deprived by the government?
2. When was his trial?

The record indicates that Engel was punished and deprived. The constitution requires the government to prove there was a trial and conviction and that Engel was provided all of the protection guaranteed by the Bill of Rights.

The Appeals Court's decision is in conflict with decisions by the Supreme Court and decisions by other courts of appeal. Citing on pages 6, 17, 21, 22, 24, 28, 32, 36, 37, 40, 44 address fundamental issues of this case that bear on the decision. The lower courts have ignored the Bill-Of-Attainder and Fraud by the defense. Engel believes his case is "ripe" for federal jurisdiction.

Competency of the lower courts on the central issue of the case is also a matter for contemplation. The words Bill-Of-Attainder should be sufficient. This case demonstrates that the full meaning and significance of those words have become obscured by time and disuse to those persons who by mandate, should clearly understand them.



Among the constitutional guarantees against the abuse of government power are these three: First, he cannot be punished until judicially tried; second, he cannot be tried for an act innocent when committed; and third, when tried he cannot be made to bear witness against himself. Engel has not only been deprived by Clark County, but the federal courts have also failed. The federal courts have failed to perceive and address the deprivation worked upon Engel when Clark County conspired to disguise the Form of punishment by creating qualifications or conditions in order to do by indirect means what is prohibited by direct means.

You can punish in two ways: you can charge with alleged crime, and proving it punish for it; or you can required the party to purge himself by oath or pledge; and if he refuses, punish him by exclusion from a right or privilege. Clark County converted what were in fact penal sanctions by circuitous methods into a Civil burden upon Engel. The federal court ignored the Bill-Of-Attainder and required Engel to prove first this and then that and finally

if he has the endurance he may have the opportunity someday to prove himself innocent instead of requiring the government to prove him guilty.

Is it even possible that in providing all the facts, information and proof the federal courts wish to see that Engel could be spared his guaranteed right not to be made to bear witness against himself? What is the source from which the Appeals Court gleans its conclusion that *Engel alleged he was denied* (not deprived and punished) *a building permit*? Was it not their interpretation of facts gleaned in part from documents that must provided in the complaint? Did the Attainder form work a deprivation upon Engel's right not to be compelled to bear witness against himself? The answer is yes and the lower federal courts all failed to secure Engel's rights guaranteed by the Constitution.

The county's method could be struck down upon the principle of overbreadth. This is demonstrated in the argument against Bills-Of-Attainder by Alexander Hamilton cited on page 292 of *Cummings v Missouri*.



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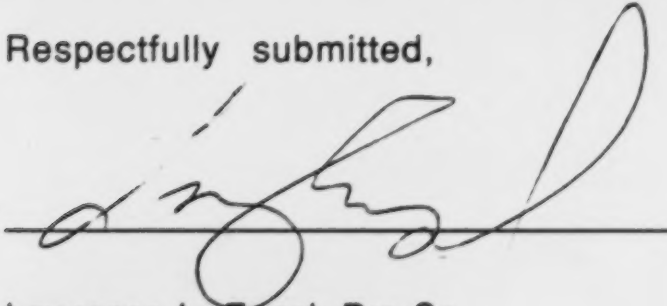
. . . Nothing is more common, than for a free people in times of heat and violence to gratify momentary passion by letting into government principles and precedents which afterwards prove fatal to themselves. Of this kind is the doctrine of disfranchisement, disqualification, and punishments by acts of legislature. The dangerous consequences of this power is manifest. If the legislature can disfranchise any number of citizens at pleasure, by general descriptions, it may soon confine all the voters to a small number of partisans, and establish an aristocracy or oligarchy. If it may banish at discretion all those who particular circumstances render obnoxious, without hearing or trial, no man can be safe, nor know when he may be the innocent victim of a prevailing faction. The name of liberty applied to such a government would be a mockery of common sense. . . The people are sure to be losers in the event, whenever they suffer a departure from the rules of general and equal justice, or from the true principles of universal liberty.

Clark County returned to the Dark Ages before the Magna Carta to discover their "new" method to inflict punishment without trial. It was not by accident that Ben Franklin, George Washington, James Madison and the other Founding Fathers placed Attainder into the very first Article of the Constitution two years before the Bill of Rights was ratified. It is a test of our Civilization. The terrible weapon of Attainder has again been unsheathed and now it is only the honor and wisdom of this Court that will keep it from the rabid hands of every Las Vegas, whoremonger, crap dealer and hood. (businessmen?)

Larry Engel v Clark County, Nevada

Dated this 14th day of September 1989.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Engel', is written over a horizontal line. The signature is stylized with a large loop at the end.

Lawrence L. Engel, Pro Se

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CERTIFICATE OF MAILING

I hereby certify that on the 15th day
of September, 1989. I deposited the United
States Mail, postage prepaid, certified, receipt
requested, at Las Vegas, Nevada, enclosed in a
sealed envelope, copies of the above and
foregoing PETITION FOR WRIT OF CERTIORARI
addressed as follows:

Rex Bell, D.A.
Charles K. Hauser, D.D.A.
225 Bridger Avenue, Eighth Floor
Las Vegas, Nevada 89155

by Long Engel

by Long